



JON M. HUNTSMAN, JR.
Governor
GARY R. HERBERT
Lieutenant Governor

State of Utah
DEPARTMENT OF NATURAL RESOURCES
Division of Water Rights

MICHAEL R. STYLER
Executive Director

JERRY D. OLDS
State Engineer/Division Director

February 28, 2005

Robert W. Eyre
PO Box 65
Minersville UT 84752

Re: December 31, 2003 Notice of Agency Action
January 11, 2005 Order to Cease & Desist
No. SEAA ~~1058~~ 1058
Water Right Nos. 71-4856, 71-1612, 71-1633, 71-3374

Dear Mr. Eyre:

On December 31, 2003, the Division of Water Rights sent you a Notice of Agency Action concerning alleged irrigation of land without a water right. We received no response to the notice and determined to base any further action on staff inspection of your irrigation during the 2004 irrigation season.

The report from our staff inspection during 2004 indicated that you were continuing to irrigate more land than allowed by the water rights listed above. As a result of the staff report, the Order to Cease and Desist was issued on January 11, 2005. Information provided by you to our Regional Office in Cedar City, and confirmed by them, reveals that our staff inspection was in error. It is now apparent there was no irrigation of land in excess of the above water rights during 2004. **In view of this, the Order to Cease and Desist, issued on January 11, 2005 is no longer in effect.**

We appreciate the information that you provided and regret the errors that occurred in our 2004 field inspection.

Sincerely,

LSC H. Sim, R.E.
Assistant State Engineer
Presiding Officer
for
Jerry Olds, P.E.
State Engineer

cc: Kerry Carpenter, Regional Engineer
LaVar Davis, Water Commissioner

SCANNED